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EXAMINER	
MOORE, IAN N	

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2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/726,200	RYAN, PATRICK D.	
	Examiner	Art Unit	
	IAN N. MOORE	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it recites a legal phraseology "**comprises**" in line 4. Correction is required. See MPEP § 608.01(b). (*NOTE- This issue has been raised in the previous action*).

Response to Amendment

2. Claims 1, 3, 11, 12 14 and 22 have been amended.

3. Claim objections, on claims 11, 12 and 14 are withdrawn since they are being amended accordingly.

4. Claims 1-22 are rejected by the new ground(s) of rejection necessitated by the amendment.

Response to Arguments

5. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection. *The following recites the responses to arguments that are still applied to original reference Focsaneanu.*

Regarding claims 1 and 12, the applicant argued that, "…Focsaneanu does not disclose, teach or suggest…the detection of at least one of human voice and silent on said communication line for a predetermined period of time…" in page 8-14.

In response to applicant's argument, the examiner respectfully disagrees with the argument above.

Focsaneanu discloses a voice detector (see FIG. 8, transceiver 238) enabled to detect at least one of human voice and silence on a communication line **(see FIG. 8, 9, transceiver 238 with identification/detection means of access module detecting/identifying voice/POTS, or silent/no-service at initiation on the line between two end users 300 and 302 during; see col. 7, line 45-67; see col. 9, line 3-10, 25-45, 55 to col. 10, line 12)** for a predetermined period of time **(see col. 3, line 14-20, 38-41; see col. 1, line 51-54; see col. 2, line 20-22, 25-26, 45-47; see col. 3, line 63-65; see col. 8, line 10-15; for a predetermined/pre-program period/time of detecting, or for a predetermined/allocated time/period of current/active connection).**

Sonnic also discloses a voice activity detector **(see col. 2, line 53-55; if voice activity detector (VAD))** detect at least one of human voice and silence for a predetermined period of time **(see col. 1, line 30-39, 40-50; see col. 2, line 40 to col. 3, line 20; see col. 4, line 35-65; VAD detects voice activity in speech/voice or silent for a predetermined time/duration)**.

Thus, it is clear that the combined system of Focsaneanu and Sonnic discloses the broadly claimed invention.

Regarding claims 2-11 and 13-22, the applicant argued that, "...the claims should be allowed at least for the reason stated above..." in page 10-11.

In response to applicant's argument, the examiner respectfully disagrees with the argument above. The claims 2-11 and 13-22 are not allowed for the reasons set forth above in claims 1 and 12.

Regarding claims 1-22, the applicant argued that, "...Fisher also fails to disclose teach or suggest "enabling a voice activity detector....period of time..." in page 11-14.

In response to applicant's argument, the arguments are moot since the rejections of claims 1-22 based on Fisher reference is no longer applied in the rejection set forth below.

Accordingly, the following new ground rejection is applied based the combined system of Focsaneanu and Sonnic.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 3, 4, 5, 12, 14, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu (US005828666A) in view of Sonnic (US 6154721 A).

Regarding Claim 1, Focsaneanu discloses a communication method for use by a first gateway (see FIG. 8, Access module 234; see FIG. 9, access module 306/308 processing the steps/methods) to communicate with a second gateway (see FIG. 9, communicating with Access module 308/306) over a packet network (see FIG. 9, via data/packet network 304; see col. 7, line 60-65; see col. 9, line 3-10), said first gateway having a plurality of modes of operation including a data mode and a voice mode (see FIG. 8, access node 234 or 306/308 processing data/fax/computer service/mode and voice/POTS (Plain Old Telephone System) service/mode; see col. 7, line 45-50; see col. 9, line 9-65), wherein said first gateway is configured differently for each of said modes of operation (see FIG. 8, access module is set-up/configure

differently/separately for data service and voice service operation/processing; see col. 7, line 60 to col. 8, line 20), said method comprising:

configuring said first gateway to said data mode of operation for a call (see col. 9, line 36- to col. 10, line 5; see FIG. 8, a combined system of processor 246 and controller 252 setting-up/configuration access module 234/306 a default state for data service call/connection);

receiving a call request from said second gateway (see FIG. 8, receiving a service request for a call/connection from access module 308/306; see col. 7, line 45 to col. 8, line 15; see col. 9, line 3-10);

placing said call (see FIG. 8, 9, setup/place a call/connection) to a user over a communication line (see FIG. 9, to user 300/302 on the line between two end users 300-302) in response to said receiving said call request (see FIG. 8, when identifying a service request for a call/connection; see col. 7, line 45 to col. 8, line 15; see col. 9, line 3-10);

enabling detection means of said first gateway to detect at least one of human voice and silence on said communication line **(see FIG. 8, 9, transceiver 238 with identification/detection means of access module detecting/identifying voice/POTS, or silent/no-service at initiation on the line between two end users 300 and 302 during; see col. 7, line 45-67; see col. 9, line 3-10, 25-45, 55 to col. 10, line 12)** for a predetermined period of time **(see col. 3, line 14-20, 38-41; see col. 1, line 51-54; see col. 2, line 20-22, 25-26, 45-47; see col. 3, line 63-65; see col. 8, line 10-15; for a predetermined/pre-program period/time of detecting, or for a predetermined/allocated time/period of current/active connection)**;

maintaining said first gateway configured according to said configuring in said data mode of operation for said call (see FIG. 8, the combined system of processor 246 and controller 252

continues/maintain the data service/operation mode for a call/connection) if said first gateway does not detect the ate least one of human voice and silence on said communication line for said predetermined period of time (see FIG. 8, when there is no voice/POTS, or silent/non-service is detected/identified for a predetermined/pre-program period/time of detecting, or for a predetermined/allocated time/period of current/active connection; see col. 7, line 45 to col. 8, line 15; see col. 9, line 55 to col. 10, line 30); and

reconfiguring said first gateway to said voice mode for said call (see FIG. 8, the combined system of processor 246 and controller 252 change/reconfigures the mode by dropping the data service/operation for a call/connection) if said first gateway detects the at least one of human voice and silence on said communication line for said predetermined period of time (see FIG. 8, when there is voice/POTS service is detected/identified for a predetermined/pre-program period/time of detecting, or for a predetermined/allocated time/period of current/active connection; see col. 7, line 45 to col. 8, line 15; see col. 9, line 55 to col. 10, line 30).

Focsaneanu does not explicitly disclose "a voice activity detector (VAD)".

However, Sonnic teaches a voice activity detector **(see col. 2, line 53-55; if voice activity detector (VAD))** detect at least one of human voice and silence for a predetermined period of time **(see col. 1, line 30-39, 40-50; see col. 2, line 40 to col. 3, line 20; see col. 4, line 35-65; VAD detects voice activity in speech/voice or silent for a predetermined time/duration)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a voice activity detector (VAD)" as taught by Sonnic in the system of Focsaneanu, so that it would optimize the passband reserved for speech signal relative

to other types of signals and detecting voice activity permitting the simple use; see Sonnic col. 1, line 15-46.

Regarding Claim 3, Focsaneanu discloses said maintaining occurs if said voice detector does not detect the at least one of human voice and silence on said communication line for said period of time as set forth in claim 1. Sonnic also teaches if a voice activity detector (see col. 2, line 53-55; voice activity detector (VAD)) detect at least one of human voice and silence for a predetermined period of time (see col. 1, line 30-39, 40-50; see col. 2, line 40 to col. 3, line 20; see col. 4, line 35-65; VAD detects voice activity in speech/voice or silent for a predetermined time/duration).

Regarding Claims 4, Focsaneanu discloses wherein said data mode is a modem mode and said user is a modem device (see FIG. 8, data service is a modem service and subscriber/user is a computer modem or fax modem; see col. 7, line 45-60).

Regarding Claim 5, Focsaneanu discloses wherein said data mode is a modem mode and said user is a fax device (see FIG. 8, data service is a modem service and subscriber/user is a computer modem or fax modem; see col. 7, line 45-60).

Regarding Claim 12, Focsaneanu discloses a first gateway (see FIG. 8, Access module 234; see FIG. 9, access module 306/308) for communication with a second gateway (see FIG. 9, communicating with Access module 306/308) over a packet network (see FIG. 9, via data/packet network 304; see col. 7, line 60-65; see col. 9, line 3-10), said first gateway having a plurality of modes of operation including a data mode and a voice mode (see FIG. 8, access node 234 processing data/fax/computer service/mode and voice/POTS (Plain Old Telephone System) service/mode; see col. 7, line 45-50; see col. 9, line 9-65), wherein said first gateway is

configured differently for each of said modes of operation (see FIG. 8, access module is set-up/configure differently/separately for data service and voice service operation/processing; see col. 7, line 60 to col. 8, line 20), said first gateway comprising:

a configuration module (see FIG. 8, a combined system of processor 246 and controller 252) configuring said first gateway to said data mode of operation for a call (see col. 9, line 36-to col. 10, line 5; setting-up/configuration access module 234 or 306/308 to a default state for data service call/connection);

a voice detector (see FIG. 8, transceiver 238) enabled to detect at least one of human voice and silence on a communication line **(see FIG. 8, 9, transceiver 238 with identification/detection means of access module detecting/identifying voice/POTS, or silent/no-service at initiation on the line between two end users 300 and 302 during; see col. 7, line 45-67; see col. 9, line 3-10, 25-45, 55 to col. 10, line 12)** for a predetermined period of time **(see col. 3, line 14-20, 38-41; see col. 1, line 51-54; see col. 2, line 20-22, 25-26, 45-47; see col. 3, line 63-65; see col. 8, line 10-15; for a predetermined/pre-program period/time of detecting, or for a predetermined/allocated time/period of current/active connection)** when said first gateway places said call (see FIG. 8, 9, when access module 234 setup/place a call/connection) to a user on said communication line (see FIG. 9, to user 300/302 on the line between two end users 300-302) in response to receiving a call request by said first gateway from said second gateway (see FIG. 8, when identifying a service request for a call/connection by access module 306/308 from access module 308/306; see col. 7, line 45 to col. 8, line 15; see col. 9, line 3-10);

wherein said configuration module maintains said first gateway configured according to said data mode of operation for said call (see FIG. 8, the combined system of processor 246 and controller 252 continues/maintain the data service/operation mode for a call/connection) if said voice detector does not detect the at least one of does not detect human voice or silence for said communication line for said predetermined period of time (see FIG. 8, when there is no voice/POTS, or silent/non-service is detected/identified for a predetermined/pre-program period/time of detecting, or for a predetermined/allocated time/period of current/active connection; see col. 7, line 45 to col. 8, line 15; see col. 9, line 55 to col. 10, line 30), and

said configuration module reconfigures said first gateway to said voice mode for said call (see FIG. 8, the combined system of processor 246 and controller 252 change/reconfigures the mode by dropping the data service/operation for a call/connection) if said voice detector detects at least one of human voice and silence on said communication line for said predetermined period of time (see FIG. 8, when there is voice/POTS service is detected/identified for a predetermined/pre-program period/time of detecting, or for a predetermined/allocated time/period of current/active connection; see col. 7, line 45 to col. 8, line 15; see col. 9, line 55 to col. 10, line 30).

Focsaneanu does not explicitly disclose "a voice activity detector (VAD)".

However, Sonnic teaches a voice activity detector **(see col. 2, line 53-55; if voice activity detector (VAD))** detect at least one of human voice and silence for a predetermined period of time **(see col. 1, line 30-39, 40-50; see col. 2, line 40 to col. 3, line 20; see col. 4, line 35-65; VAD detects voice activity in speech/voice or silent for a predetermined time/duration)**.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a voice activity detector (VAD)" as taught by Sonnic in the system of Focsaneanu, so that it would optimize the passband reserved for speech signal relative to other types of signals and detecting voice activity permitting the simple use; see Sonnic col. 1, line 15-46.

Regarding Claim 14, Focsaneanu discloses said configuration module maintains said data mode configurations if said voice detector does not detect the at least one of voice and silent detector do not detect human voice or silence on said communication line for said predetermined period of time as set forth in claim 1. Sonnic also teaches if a voice activity detector (see col. 2, line 53-55; voice activity detector (VAD)) detect at least one of human voice and silence for a predetermined period of time (see col. 1, line 30-39, 40-50; see col. 2, line 40 to col. 3, line 20; see col. 4, line 35-65; VAD detects voice activity in speech/voice or silent for a predetermined time/duration).

Regarding Claim 15, Focsaneanu discloses wherein said data mode is a modem mode and said user is a modem device (see FIG. 8, data service is a modem service and subscriber/user is a computer modem or fax modem; see col. 7, line 45-60).

Regarding Claim 16, Focsaneanu discloses wherein said data mode is a modem mode and said user is a fax device (see FIG. 8, data service is a modem service and subscriber/user is a computer modem or fax modem; see col. 7, line 45-60).

8. Claims 2, 11, 13 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu in view of and Sonnic and further in view of Baumann (US 20030118008A1).

Regarding Claim 2, Focsaneanu discloses transmission over said packet network, and said maintain and said voice mode operation of said first gateway after said reconfiguration as set forth above in claim 1.

Neither Focsaneanu nor Sonnic explicitly disclose "informing said second gateway of said data mode operation of said first gateway".

However, sending ISP gateway sending busy signal to the caller via its gateway is so well known in the art. In particular, Baumann teaches information said second gateway (see FIG. 1, informs/notifies with a combined system of Media gateway A 3 and controller A 10) over said packet network (see FIG. through IP network 5) of said data mode of operation after said first gateway after said maintain said data mode configuration of first gateway (see FIG. 1, a combined system of gateways A sends notification to a combined system of gateways B regarding data/fax mode/form of operation after the controller assigns/maintain fax mode/form of operation; see page 2-3, paragraph 26,32,48) after said reconfiguration (see page 3, paragraph 52-55; a combined system of gateways A sends notification to a combined system of gateways B regarding voice mode/form of operation after the gateway A terminate the fax transmission and switches (i.e. reconfiguration) to voice mode/form transmission).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "informing said second gateway of said data mode operation of said first gateway", as taught by Baumann in the combined system of Focsaneanu and Sonnic, so that it would allow changing between voice transmission and a fax transmission; see Baumann page 1-2, paragraph 8, 26.

Regarding Claim 11, the combined system of Focsaneanu and Sonnic discloses over said packet network, and said mode of operation of said first gateway if said VAD detects the at least one of human and silence on said communication for predetermined period of time as set forth above in claim 1.

Neither Focsaneanu nor Sonnic explicitly disclose "said first gateway informs said second gateway".

However, Baumann teaches informing said second gateway (see FIG. 1, communicates/notifies a combined system of Media gateway A 3 and controller A 10) over said packet network (see FIG. 1, through IP network 5) of said mode of operation of said first gateway if said first gateway detects human voice or silence on said communication (see page 3, paragraph 52-55; a combined system of gateways A sends notification to a combined system of gateways B regarding the mode/form of operation (i.e. voice) when the gateway A terminate the fax transmission (i.e. silent) or switches to voice transmission detecting of voice).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a first media gateway information the second media gateway", as taught by Baumann in the combined system of Focsaneanu and Sonnic, so that it would allow changing between voice transmission and a fax transmission; see Baumann page 1-2, paragraph 8, 26.

Regarding Claim 13, Focsaneanu discloses over said packet network, and said configuration module maintains said data mode configuration, and said voice mode of operation of said first gateway after said configuration module reconfigures to said voice mode as set forth above in claim 12.

Neither Focsaneanu nor Sonnic explicitly disclose "informing said second gateway of said data mode operation of said first gateway".

However, sending ISP gateway sending busy signal to the caller via its gateway is so well known in the art. In particular, Baumann teaches said first gateway (see FIG. 1, a combined system of Media gateway B 4 and controller B 11) informs said second gateway (see FIG. 1, informs/notifies with a combined system of Media gateway A 3 and controller A 10) over said packet network (see FIG. through IP network 5) of said data mode of operation after said configuration module maintain said data mode configuration (see FIG. 1, a combined system of gateways A sends notification to a combined system of gateways B regarding data/fax mode/form of operation after the controller assigns/maintain fax mode/form of operation; see page 2-3, paragraph 26,32,48) , and said voice mode of operation of said first gateway after said configuration module (see FIG. 1, controller B 11) reconfigures to said voice mode (see page 3, paragraph 52-55; a combined system of gateways A sends notification to a combined system of gateways B regarding voice mode/form of operation after the gateway A terminate the fax transmission and switches (i.e. reconfiguration) to voice mode/form transmission).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide information the second media gateway, as taught by Baumann in the combined system of Focsaneanu and Sonnic, so that it would allow changing between voice transmission and a fax transmission; see Baumann page 1-2, paragraph 8, 26.

Regarding Claim 22, the combined system of Focsaneanu and Sonnic discloses over said packet network, and said mode of operation of said first gateway if said VAD detects the at

least one of human and silence on said communication for predetermined period of time as set forth above in claim 12.

Neither Focsaneanu nor Sonnic explicitly disclose "informing said second gateway of said data mode operation of said first gateway".

However, Baumann teaches said first gateway (see FIG. 1, a combined system of Media gateway B 4 and controller B 11) informs said second gateway (see FIG. 1, communicates/notifies a combined system of Media gateway A 3 and controller A 10) over said packet network (see FIG. 1, through IP network 5) of said mode of operation of said first gateway if said first gateway detects human voice or silence on said communication (see page 3, paragraph 52-55; a combined system of gateways A sends notification to a combined system of gateways B regarding the mode/form of operation (i.e. voice) when the gateway A terminate the fax transmission (i.e. silent) or switches to voice transmission detecting of voice).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a first media gateway information the second media gateway", as taught by Baumann in the combined system of Focsaneanu and Sonnic, so that it would allow changing between voice transmission and a fax transmission; see Baumann page 1-2, paragraph 8, 26.

9. Claim 6 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu in view of Sonnic, and further in view of Hansen (US005940475A).

Regarding Claim 6, Focsaneanu discloses wherein said data mode is a modem mode and said user is a modem device (see FIG. 8, data service is a modem service and subscriber/user is a computer modem or fax modem; see col. 7, line 45-60)).

Neither Focsaneanu nor Sonnic explicitly disclose "a text telephone modem".

However, having TTY (teletypewriter or text telephone (TTY), which also known as TDD (Device for Deaf) for deaf, hearing impaired, and/or speech impaired individual's communication is well known in the art. In particular, Hansen teaches said user is a TTY modem (see col. 2, line 5-29; see col. 3, line 51 to col. 4, line 5; TDD or TTY modem).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a TTY or TDD modem", as taught by Hansen in the combined system of Focsaneanu and Sonnic, so that it would provide enhance communication systems and process used by the deaf, hearing impaired, and/or speech impaired community; see Hansen col. 2, line 59-66.

Regarding Claim 17, Focsaneanu discloses wherein said data mode is a modem mode and said user is a fax device (see FIG. 8, data service is a modem service and subscriber/user is a computer modem or fax modem; see col. 7, line 45-60).

Neither Focsaneanu nor Sonnic explicitly disclose "a TTY modem".

However, having TTY (teletypewriter or text telephone (TTY), which also known as TDD (Device for Deaf) for deaf, hearing impaired, and/or speech impaired individual's communication is well known in the art. In particular, Hansen teaches said user is a TTY modem (see col. 2, line 5-29; see col. 3, line 51 to col. 4, line 5; TDD or TTY modem).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a TTY or TDD modem, as taught by Hansen in the combined system of Focsaneanu and Sonnic, so that it would provide enhance communication systems and process used by the deaf, hearing impaired, and/or speech impaired community; see Hansen col. 2, line 59-66.

10. Claim 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu in view of Sonnic, and further in view of Wildfeuer (US006829244B1).

Regarding Claim 7, Focsaneanu discloses wherein said first gateway uses said data mode and said voice mode as set forth above in claim 1.

Neither Focsaneanu nor Sonnic explicitly disclose "a voice coder with higher bandwidth".

However, Wildfeuer teaches wherein in said data mode (see col. 5, line 42-45; modem mode) said first gateway (see FIG. 1, packet network gateway 106) uses a voice coder (see FIG. 1, PCM controller 112) with higher bandwidth than in said voice mode (see col. 5, line 10-22, 30-46; in modem mode, voice coder G.711 protocol, which provide pass-through or bypass mode with higher transmission bandwidth than in other voice coding protocol (e.g. G.729, G.723.1, etc)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a voice coder with higher bandwidth", as taught by Wildfeuer in the combined system of Focsaneanu and Sonnic, so that it would provide a modem pass-through to forward a stream of data with high speed/bandwidth G.711 coding protocol; see

Wildfeuer col. 3, line 42-46; and by utilizing standard G.711 protocol, it would also provide compatibility and interoperability among networking gateways.

Regarding Claim 18, Focsaneanu discloses wherein said first gateway uses said data mode and said voice mode as set forth above in claim 12.

Neither Focsaneanu nor Sonnic explicitly disclose "a voice coder with higher bandwidth".

However, Wildfeuer teaches wherein in said data mode (see col. 5, line 42-45; modem mode) said first gateway (see FIG. 1, packet network gateway 106) uses a voice coder (see FIG. 1, PCM controller 112) with higher bandwidth than in said voice mode (see col. 5, line 10-22, 30-46; in modem mode, voice coder G.711 protocol, which provide pass-through or bypass mode with higher transmission bandwidth than in other voice coding protocol (e.g. G.729, G.723.1, etc)).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a voice coder with higher bandwidth", as taught by Wildfeuer in the combined system of Focsaneanu and Sonnic, so that it would provide a modem pass-through to forward a stream of data with high speed/bandwidth G.711 coding protocol; see Wildfeuer col. 3, line 42-46; and by utilizing standard G.711 protocol, it would also provide compatibility and interoperability among networking gateways.

11. Claim 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu in view of Sonnic and Wildfeuer as set forth in claims above, and further in view of Schuster (US006785261B1).

Regarding Claim 8, the combined system of Focsaneanu, Sonnic and Wildfeuer discloses wherein in said data mode said first gateway uses a G.711 voice coder and said voice mode as set forth in claims above.

Neither Focsaneanu, Sonnic nor Wildfeuer explicitly disclose "in voice mode uses G.723.1 voice coder".

However, using G.723.1 voice coder according to ITU standard is well known in the art for compatibility and interoperability. In particular, Schuster discloses in voice mode uses G.723.1 voice coder (see col. 10, line 55-65; see col. 11, line 50 to col. 12, line 30; G.723.1 voice coding).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "G.723.1 voice coder", as taught by Schuster, in the combined system of Focsaneanu, Sonnic and Wildfeuer, so that it would provide efficient vocoding; see Schuster col. 11, line 50-60.

Regarding Claim 19, the combined system of Focsaneanu, Sonnic and Wildfeuer discloses wherein in said data mode said first gateway uses a G.711 voice coder and said voice mode as set forth in claims above.

Neither Focsaneanu, Sonnic nor Wildfeuer explicitly disclose "in voice mode uses G.723.1 voice coder".

However, using G.723.1 voice coder according to ITU standard is well known in the art for compatibility and interoperability. In particular, Schuster discloses in voice mode uses G.723.1 voice coder (see col. 10, line 55-65; see col. 11, line 50 to col. 12, line 30; G.723.1 voice coding).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "G.723.1 voice coder", as taught by Schuster, in the combined system of Focsaneanu, Sonnic and Wildfeuer, so that it would provide efficient vocoding; see Schuster col. 11, line 50-60.

12. Claim 9, 10, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu and Sonnic, and further in view of Goldstein (US 20030185222A1).

Regarding Claim 9, the combined system of Focsaneanu and Sonnic discloses wherein said first gateway operating in voice mode than in said data mode as set forth in claims above.

Neither Focsaneanu nor Sonnic explicitly disclose "a jitter buffer is larger in said voice mode than in said data mode".

However, Goldstein teaches wherein said first gateway (see FIG. 1, Media gateway 3) has a jitter buffer (see FIG. 2, jitter buffer 12), and wherein said jitter buffer is larger in said voice mode than in said data mode (see page 1-2, paragraph 3, 19-22; jitter buffer size is dynamically set such that it is large enough to keep the delay as short as possible for voice service, than fax or modem service).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a jitter buffer is larger in said voice mode than in said data mode", as taught by Goldstein in the combined system of Focsaneanu and Sonnic, so that it would set a jitter buffer size by the control in real time without causing an interference; see Goldstein page 1, paragraph 6-7.

Regarding Claim 10, Focsaneanu discloses wherein said first gateway operating in voice mode than in said data mode as set forth in claims above.

Neither Focsaneanu nor Sonnic explicitly disclose "a jitter buffer is frozen in said data mode and is dynamic in said voice mode".

However, Goldstein discloses wherein said first gateway (see FIG. 1, Media gateway 3) has a jitter buffer (see FIG. 2, jitter buffer 12), and wherein said jitter buffer is frozen in said data mode and is dynamic in said voice mode (see page 1-2, paragraph 3, 19-22; jitter buffer size is set to static size for fax or modem service, and the buffer size is set to dynamic size for voice service).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a jitter buffer is frozen in said data mode and is dynamic in said voice mode", as taught by Goldstein in the combined system of Focsaneanu and Sonnic, so that it would set the jitter buffer to various size by the control in real time without causing an interference; see Goldstein page 1, paragraph 6-7.

Regarding Claim 20, Focsaneanu discloses wherein said first gateway operating in voice mode than in said data mode as set forth in claims above.

Neither Focsaneanu nor Sonnic explicitly disclose "a jitter buffer is larger in said voice mode than in said data mode".

However, Goldstein teaches wherein said first gateway (see FIG. 1, Media gateway 3) has a jitter buffer (see FIG. 2, jitter buffer 12), and wherein said jitter buffer is larger in said voice mode than in said data mode (see page 1-2, paragraph 3, 19-22; jitter buffer size is

dynamically set such that it is large enough to keep the delay as short as possible for voice service, than fax or modem service).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a jitter buffer is larger in said voice mode than in said data mode", as taught by Goldstein in the combined system of Focsaneanu and Sonnic, so that it would set a jitter buffer size by the control in real time without causing an interference; see Goldstein page 1, paragraph 6-7.

Regarding Claim 21, Focsaneanu discloses wherein said first gateway operating in voice mode than in said data mode as set forth in claims above.

Neither Focsaneanu nor Sonnic explicitly disclose "a jitter buffer is frozen in said data mode and is dynamic in said voice mode".

However, Goldstein discloses wherein said first gateway (see FIG. 1, Media gateway 3) has a jitter buffer (see FIG. 2, jitter buffer 12), and wherein said jitter buffer is frozen in said data mode and is dynamic in said voice mode (see page 1-2, paragraph 3, 19-22; jitter buffer size is set to static size for fax or modem service, and the buffer size is set to dynamic size for voice service).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide "a jitter buffer is frozen in said data mode and is dynamic in said voice mode", as taught by Goldstein in the combined system of Focsaneanu and Sonnic, so that it would set the jitter buffer to various size by the control in real time without causing an interference; see Goldstein page 1, paragraph 6-7.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to IAN N. MOORE whose telephone number is (571)272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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